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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, ) CASE NO. CR05-452-RSM  
09 Plaintiff, )  
10 v. ) SUMMARY REPORT OF U.S.  
11 TRACY D. McWILLIAMS, ) MAGISTRATE JUDGE AS TO  
12 Defendant. ) ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 An initial hearing on supervised release revocation in this case was scheduled before me  
15 on March 29, 2011. The United States was represented by AUSA Andrew Colasurdo for Andrew  
16 Friedman and the defendant by Stewart Riley. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about September 15, 2006 by the Honorable Ricardo  
18 S. Martinez on charges of Conspiracy and Bank Fraud, and sentenced to 21 months custody,  
19 five years supervised release. (Dkt. 93, 101.)

20 The conditions of supervised release included the standard conditions plus the  
21 requirements that defendant participate in a substance abuse program, abstain from alcohol,  
22 submit to search, participate in a mental health program, pay restitution in the amount of

01 \$54,006.21, provide her probation officer with access to financial information as requested,  
02 maintain a single checking account for all financial transactions, divulge all business interests,  
03 disclose all assets and liabilities, be prohibited from incurring new credit charges or opening new  
04 lines of credit without permission, and not possess any identification documents in any but her  
05 true identity.

06 On December 1, 2009, defendant's probation officer reported that she tested positive for  
07 marijuana. Defendant was reprimanded, testing was increased, and she was referred for  
08 professional assessment and intensive outpatient treatment. No other action was taken at the  
09 time. (Dkt. 130.) On February 9, 2010, defendant's probation officer again reported that  
10 defendant tested positive for marijuana. She was placed in a structured testing program,  
11 reprimanded and referred for professional assessment. No further action was taken at the time.  
12 (Dkt. 131.)

13 On March 24, 2010, defendant admitted violating the conditions of supervision by failing  
14 to make monthly restitution payments, failing to submit a 2008 federal income tax return, failing  
15 to submit monthly reports, failing to participate in a substance abuse program as instructed, and  
16 using cocaine and marijuana. (Dkt. 135.) In a supplement hearing on April 6, 2010, defendant  
17 further admitted violating the conditions of supervision by using cocaine and marijuana on  
18 additional occasions and failing to submit to mandatory drug testing. (Dkt. 142.) Defendant was  
19 sentenced to three months in custody, 57 months supervised release. (Dkt. 149.)

20 In an application dated February 24, 2011 (Dkt. 165, 166), U.S. Probation Officer Sara  
21 K. Moore alleged the following violations of the conditions of supervised release:

- 22 1. Failing to notify the probation officer at least ten days prior to any change in

2. Failing to participate as directed in substance abuse treatment at Sound Mental Health in violation of the special condition requiring the defendant to participate as instructed in a program approved by the probation office for treatment of narcotic addiction, drug dependency, or substance abuse.

3. Failing to notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer on or about February 21, 2011.

Defendant was advised in full as to those charges and as to her constitutional rights.

Defendant admitted the alleged violations and waived any evidentiary hearing as to whether they occurred.

I therefore recommend the Court find defendant violated her supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Martinez.

Pending a final determination by the Court, defendant has been detained, to be released to a halfway house as soon as space is available.

DATED this 29th day of March, 2011.

  
Mary Alice Theiler  
United States Magistrate Judge

cc: District Judge: Honorable Ricardo S. Martinez  
AUSA: Andrew Colasurdo, Andrew Friedman  
Defendant's attorney: Stewart Riley  
Probation officer: Sara Moore